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Venezuela: New Constitution

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of the mines. To meet its obligations thereunder, the Government of Bolivia shall deposit in the Central Bank 2% of the gross value of the minerals exported. Although the Bolivian Constitution (1945) provides that "expropriation is imposed for reason of public utility or when (property) does not fulfill a social function, judged conformably to law and after fair indemnification" (art. 17), this last requisite has been ignored probably because of the origin and revolutionary character of the present Bolivian régime.

The Decree includes other detailed provisions. One of them provides for the intervention, by means of delegates, of the laborers of the nationalized mines in their local administration.

JESUS DE GALINDEZ

**VENEZUELA: NEW CONSTITUTION**—Still another constitution was approved in Venezuela on April 15, 1953, raising the number of constitutions that have governed the country during a century and a half of independence to 23. The chief characteristic of the new constitution arises from the situation which gave birth to it: a military coup in November, 1948, overturned the constitutional government of President Rómulo Gallegos, who had been elected pursuant to the progressive constitution of 1947; for four years the country was governed by a junta composed of three colonels at first and later of two colonels and a civilian; at the end of 1952, this junta convoked elections for a constitutional convention; the first announcement of the results of the election proclaimed the surprising triumph of the opposition; the government forthwith established an iron censorship and two days later, the election of the government candidates was announced, together with the decision of Colonel Pérez Jiménez to assume the presidency of the country provisionally in accord with the armed forces. These facts coupled with the political realities in Venezuela augur but a brief life for the new constitution.

In appearance, the 1953 constitution differs little from its predecessors. This frequently happens in these Hispano-American constitutional changes; the change is generally a matter of mere shading in the direction of facilitating governmental repression or granting more liberty to the public. In the present instance, the difference is to be noted primordially in the preamble to the constitution and in the enumeration of the bill of rights; while nearly all the individual rights recognized in the progressive constitution of 1947 are in essence mentioned (art. 35), the authoritarian reaction of 1953 is notable in the suppression of paragraphs and phrases in the former preamble which exalted individual liberty, distribution of wealth, and democratic institutions; at the same time individual rights are foreshortened in the subsequent detailed enumeration and their efficacy diminished by the constant vague reference to statutes which shall regulate their exercise. Many social security rights mentioned in the Constitution of 1947 are eliminated. The suspension of such rights by the Government is also facilitated (art. 36).

Only in theory does Venezuela continue to be a federal republic; the states

still elect their own legislative assemblies, but the best evidence of the ineffectiveness of its federalism is the constitutional change of the name of the country from the United States of Venezuela to that of Republic of Venezuela.

The 1953 Constitution repeats the 1947 provision pursuant whereto the President of the Republic is elected by popular suffrage; earlier constitutions provided for election by the Congress. But the transitory provisions discard this precept and show the true temper of the present regime; the same constitutional convention elected under such extraordinary circumstances, which adopted the Constitution, assumed the right to elect the next President of the Republic (Colonel Pérez Jiménez, naturally), the deputies, senators, members of the state legislatures, and other high officials.

In short, it is a constitution which makes no special contribution to comparative law. It is merely one more swing, towards reaction, of the unstable political pendulum in Venezuela.

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**HUNGARY: INTERNATIONAL ASPECTS OF THE NEW PENAL CODE**—The political transformation of Hungary in the mid-twentieth century has resulted in the adoption of a series of measures designed to reshape the patterns of formal authority in accordance with communist directives. Among the more recent legal innovations, the Penal Code of 1950<sup>1</sup> deserves special attention not only because it replaces *in toto* the General Part of the former Code of 1878<sup>2</sup> but also in view of the light that it throws upon the attitude of a people's democracy toward the international aspects of municipal legislation. In view of the difficulty in ascertaining the practical application of the provisions of the Code of 1950, their interpretation is necessarily based on a textual evaluation.<sup>3</sup>

The purpose of the present comment is to trace the international and foreign elements in the new legislation. These center mainly around the application of the Hungarian penal law with regard to territory and to nationality of the offender and may conveniently be divided into three categories:

- (a) crimes committed by an alien in the territory of the Hungarian State,
- (b) offenses committed by a Hungarian national abroad, and
- (c) crimes committed by an alien in a foreign country.

While the criminal jurisdiction of municipal law is ordinarily restricted to

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<sup>1</sup> The New Code, designated as Law II of 1950, went into effect on January 1, 1951. See Art. 1 of Decree-Law No. 39 of 1950.

<sup>2</sup> Law V of 1878.

<sup>3</sup> To the best knowledge of this writer no translations of the full texts of the two Codes have been published in the English language. A French translation of the Code of 1878 by C. Martinet and P. Dareste was published in Paris in 1885 and is entitled *Code pénal hongrois des crimes et des délits*. Also there is a German translation of the same Code by Ernst Rosenfeld, *Das Ungarische Strafgesetzbuch über Verbrechen und Vergehen*, Berlin, 1910.